IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

RICHARD D. MYERS, Chapter 7 Trustee of the Daniel M. Malone bankruptcy estate,

8:13-CV-353

Plaintiff,

ORDER

vs.

JEANNE MALONE,

Defendant.

This matter is before the Court on its own motion, noting the Supreme Court's decision in *Exec. Benefits Ins. Agency v. Arkison*, 2014 WL 2560461 (U.S. June 9, 2014). The holding of that case, as the Court understands it, is that a "core" proceeding under 28 U.S.C. § 157(b) that cannot be finally adjudicated by the bankruptcy court pursuant to *Stern v. Marshall*, 131 S. Ct. 2594 (2011), may proceed as non-core within the meaning of § 157(c), and the bankruptcy court may hear the proceeding and submit findings of fact and conclusions of law to the district court for *de novo* review. *Arkison*, 2014 WL 2560461, at *7. The Court thus concludes that the bankruptcy court was procedurally correct to provide the Court with findings and recommendations for *de novo* review. Absent any objection, therefore, the Court will review the bankruptcy court's findings and recommendations and rule on the defendant's objection (filing 9).¹

IT IS SO ORDERED.

Dated this 10th day of June, 2014.

BY THE COURT:

John M. Gerrard

United States District Judge

¹ To be clear, the Court is not, at this time, rejecting the defendant's request to adduce additional evidence. *See* filing 10 at 3, 20. Rather, the Court will determine whether an additional hearing is appropriate when performing its de novo review.